

**RIO DELL CITY COUNCIL
REGULAR MEETING
MARCH 2, 2010
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, Marks and Thompson

Others Present: Interim City Manager Stretch, Chief of Police Hill, Acting Public Works Director Jensen, Finance Director Beauchaine, George Williamson, Contract Planner, Neal Carnam, Winzler & Kelly and City Clerk Dunham

CONSENT CALENDAR

Mayor Woodall announced Item 4 would be tabled regarding *Appointment of Andrew Gonzales to the Rio Dell Planning Commission for the remainder of the term ending December 31, 2010; and Richard "Bud" Leonard for the three year term ending December 31, 2012* and that Item 5 to *direct the City Manager to file an application with Humboldt LAFCo for the annexation of the Town of Scotia* be removed from the consent calendar and placed under *Special Call Items* at the request of Frank Bacik.

Motion was made by Marks/Thompson to approve the consent calendar including the approval of minutes of the February 16, 2010 Regular Meeting; approval of Pay Request No. 3 to K.G. Walters, Co. in the amount of \$107,955.00 for work related to the Solids and Disinfection Management Project; and approval of Resolution No. 1071-2010 in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010. Motion carried 5-0; Councilmember Barsanti abstained from vote on the February 16, 2010 minutes.

SPECIAL CALL ITEMS

Item 4) 2010/0302.08 was moved to the first item under Special Call Items

Receive and Consider Appeal of Business License Denial for Eel River Motocross Park at the Former Eel River Mill Site

Interim City Manager Stretch explained the applicants applied for a Business License to establish a dirt bike track on a parcel of land located at the former Eel River Sawmill site which is one of the two parcels that the City had identified as a potential site for the placement of its new wastewater treatment facility with the General Plan Land Use and Zoning designation of Public Facility (PF). The business license was denied because it is not a principal permitted use or a use permitted with a Use Permit. He stated that furthermore, the proposed use is not permitted on

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any parcel at the mill site because the land that is not zoned PF is zoned Industrial/Commercial (IC) and the use as described is not permitted in that zone either. Under the City's current zoning regulations, there is no zone within the City that allows for a motocross track.

Interim City Manager Stretch further stated the business could potentially draw significant crowds of riders and spectators to the area, benefiting the City through the generation of increased sales tax and transient occupancy tax revenues if the finding was made that the described business fit into the current zoning as an allowable use. He said during his review of the application he looked for a way within the Zoning Ordinance to refer the application to the Planning Commission for consideration but there were no provisions for that process. He noted that although the Business License Ordinance does not provide for an applicant to appeal the denial of a business license by the City Manager, he thought it was only fair that the applicants be given the opportunity to present their arguments to the City Council, as the legislative body that adopted the Zoning Ordinance.

Councilmember Dunker commented that he had spoken to one of the applicants, Brian Hall a couple of days ago and when he heard about his plan for a motocross track he told him he thought it was a great idea. At the time, he had not yet read the staff report and supporting documentation in the agenda packet and therefore did not realize that the parcel was not zoned for the described use. He said he actually had a similar idea to design bike trails, hiking trails, horse trails as well as having designated areas for motocross since they were few and far between. He said recreational opportunity was important to our community and would like to find a way to see this activity move forward. He suggested a zone change or a text amendment be considered. He noted that he had worked with a lot of young people and those involved in motocross and those events tend to draw thousands of participants and spectators and this venture could help make Rio Dell a destination. He said everyone should work together and make it happen for the benefit of our community.

Councilmember Marks said she had talked with the other applicant, Josh Cathey and said there is a lot of support in the community for this type of event but pointed out there would be a lot of hurdles to cross aside from the zoning requirements such as notification of residents and other businesses potentially affected by noise or other issues.

Councilmember Dunker stated this involves more than just the City and the business license applicants but rather various other entities due to potential impacts.

Councilmember Barsanti stated that he had also spoken to Brian Hall and said he was in support of the motocross track but agreed the business license application is not the biggest issue. He said one concern he had was traffic along with noise, and pointed out that the City Council has the responsibility to serve all of the residents of the City and everyone should have the chance to voice their comments and concerns.

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Mayor Woodall asked Contract Planner Williamson if any of the City's designated zones allowed for motocross tracks; Planner Williamson indicated that none of the current zoning allowed for this type of use and said to move forward with this application, the property owner or designated agent would need to apply for a zoning and general plan text amendment.

Councilmember Barsanti asked if the applicants would go through the same process as a Conditional Use permit (CUP); Mr. Williamson said his recommendation would be to first include appropriate language in the zoning ordinance and also recommend that a CUP accompany the business license with provisions to regulate the conditions of the use.

Councilmember Thompson asked what the time frame was for the public hearing process and who would be responsible for planning expenses; Planner Williamson noted the costs would be borne by the applicant. He said the process would involve two public hearings with the planning commission followed by a recommendation to the City Council who would make the final decision.

Councilmember Barsanti asked what the required time was between the public hearings and if there was anything the applicant could do to help speed up the process; Planner Williamson explained the Planning Commission generally only meets once a month although special meetings are sometimes scheduled if needed. He also explained that an ordinance amendment requires a first and second reading along with the required public hearings and posting for 30 days after adoption before it goes into affect unless it is of an urgency nature.

A public hearing was opened at 6:56 P.M. to receive public comment on the denial of the business license application for the Eel River Motocross Park.

City Clerk Dunham was presented with petitions of support for the proposed motocross park which consisted of approximately 150 signatures and asked that it become part of the record.

Nancy Unitus expressed support for the motocross park stating it would be good to have a well maintained track were kids could ride safely. She said she was riding at the river bar and got into an accident and lost two fingers because she was riding in an area that was not properly maintained.

Dennis Wendt said as the property owner of the proposed site, he was surprised to learn that it was zoned PF and said it was his understanding the entire area was zoned Heavy Industrial with a Commercial overlay. He said that he was not notified of the zone change and said it didn't make sense for the City not to have a zone within the City that allows for this type of use. He indicated there would be an application for a text amendment forthcoming and said there couldn't be a better location for a motocross park and noted the site was no longer being sought by the City for placement of its new wastewater treatment facility. He urged the City Council and staff to work with the applicants to expedite the application for a zoning amendment.

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Interim City Manager Stretch stated for clarification that recreational uses are permitted in the PF zone provided the land is owned by the public agency or the facility is operated by a public agency.

Wendy Shelton said she has been a motocross mom for years and said the sport has brought her kids together, kept them off of drugs and made the family stronger. She said it would be nice to have a safe place for kids to ride.

Ross Coonley said he had been racing bikes since he was 5 years old and said the sport teaches kids self control and self discipline and said this facility is needed for this generation as well as future generations.

Lars Burnside, pro motocross rider said he travels all over the country racing and spends a lot of money on such things as lodging, food, fuel and other necessities and said this business would be good for the local economy.

Evan Fontaine, stated he grew up in this community and went away to school and came back as a teacher and coach and said he has had the opportunity to see the aspect of the valuable lessons kids learn on the track and what hard work and determination brings them. He commented that this sport usually attracts the type of kids that don't make it in other sports such as football and baseball and felt this would be very beneficial for the community.

Johanna Rodoni stated she came to this meeting to support the applicants but did not realize there was a zoning issue with the proposed use. She said although she is into horses rather than motorcycles, she felt a motocross park would give the community the opportunity to showcase our area and invite other entrepreneurs. She said it is always positive to encourage sports as it teaches our youth responsibility. She added that she was involved with the motocross track in Phillippsville and said what better place for a new motocross park than the Eel River Industrial site. She said this is a good opportunity for the community and was excited to have the youth of our community as the driving force behind this venture.

Councilmember Thompson asked Ms. Rodoni if she thought we would face the same problems as with the Phillippsville track; she said the driving force behind the closure of that track was from "Save the Redwoods" organization.

Sharon Wolfe, asked for clarification on the zoning and asked if a wastewater treatment plant was the only allowable use within the PF zone; Interim City Manager Stretch reviewed the principal permitted uses and uses with a conditional use permit in the PF zone which included various "public owned or operated" recreational facilities, public buildings and lodging uses including lodging provided as part of the civic or cultural use. Uses permitted with a Use Permit included such things as residential uses limited to caretaker apartment; correctional or detention institutions; public corporation yards; water and wastewater systems; or recreational uses.

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Interim City Manager Stretch pointed out that the issue tonight is the denial of the business license; not the zoning amendment.

Dennis Wendt announced that maybe he should donate the land to the City so this can become a “public recreational facility” and allow the project to proceed.

An unidentified speaker in the audience suggested the Councilmembers and City officials drive by the motocross track in Marysville if ever in the area to get a better idea of how it would be.

Councilmember Barsanti stated in reviewing the process, it is obvious that the public needs to be involved and recommended a joint meeting with the City Council and Planning Commission be held.

Planner Williamson said he would certainly recommend that once the appropriate application is on file and staff has determined that the application is complete. At that time, the surrounding property owners will be notified as well as a public notices posted in the normal posting locations and in the local newspaper.

Interim City Manager Stretch commented there may be benefit to having separate meetings as having a joint meeting may jeopardize the applicant’s right of appeal.

Darren Galliger referred to a motocross park in Santa Clara County that was run by a club under the local police department.

There being no further public comment, the public hearing closed at 7:20 P.M.

Motion was made by Thompson/Dunker to uphold the denial of the Business License application for Eel River Motocross Park for the operation of a dirt bike race course at the former Eel River Saw Mill site. Motion carried 5-0.

Mayor Woodall called for a 5 minute recess.

The meeting reconvened at 7:30 P.M.

Direct the City Manager to File an Application with Humboldt LAFCo for the Annexation of the Town of Scotia

Interim City Manager Stretch stated at the February 16, 2010 regular meeting the Council made a policy decision to move forward with the filing of an application to LAFCo for the annexation of the Town of Scotia. The staff report outlines the process and identifies the documents that must be prepared to proceed with that process.

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Frank Bacik, Director of Legal Affairs and Vice President for the Town of Scotia addressed the Council and stated that he has spent the better part of 25 years protecting the best interests of the Town of Scotia and asked the City not to spend thousands of dollars and time to oppose the CSD. He said opposition to the Scotia CSD is not welcomed or neighborly and said they do not feel it is in the best interest of the residents to annex into Rio Dell. He said the formation of a CSD would be the closest thing to preserving the artifact town and it will keep the same structure in place including fire protection, parks and recreation and allow the same employees to operate the town. He said he was unsure how Rio Dell would offer services without disrupting their operations and having an adverse affect on the Town of Scotia. He further stated that Rio Dell has no industrial base and very little commercial base and has no experience in how to provide services to those businesses which he said they have been doing for over 150 years.

Mr. Bacik stated the Town of Scotia views the annexation attempt as a hostile or unilateral take-over which they don't take likely and that it is incomprehensive to them how Rio Dell would provide the necessary services.

He asked that the City consult with the Town of Scotia before any application for annexation is filed with LAFCo. He said the CSD application was approved unanimously by County Planning and the County Board of Supervisors and not until they were ready to take the next step in the formation of the CSD did Rio Dell come forward and propose annexation. He said this action is nothing less than hostile in his opinion. He commented that the conditions in the Town of Scotia are vastly different than they were in 2006 so the Environmental Impact Report done by the City of Rio Dell at that time is no longer valid. He finished by saying that their CSD application has been with LAFCo for approximately 4 years and couldn't possibly be cost effective or more expedient for the Town of Scotia to consider annexation at this point. He said he would like a sense of why the City feels annexation would be in the best interest of both communities.

Interim City Manager Stretch stated there was a number of points raised that definitely need to be discussed but one point he would like to make is that the City of Rio Dell does have the ability to provide full services to the Town of Scotia.

Motion was made by Marks/Thompson to direct the City Manager to file an application with Humboldt LAFCo for the annexation of the Town of Scotia and adjacent area.

Councilmember Barsanti questioned whether this is something the Council should wait to discuss further before voting on the matter.

Interim City Manager Stretch acknowledged that there are a number of items to discuss and submittal of the application to LAFCo is only the first step. He stated the application can always be amended or withdrawn if that is the decision of the Council.

The motion then carried 5-0.

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Approve Agreement with Winzler & Kelly for Preparation of Addendum No. 2 to the EIR for the Rio Dell Wastewater Reuse Project

Interim City Manager Stretch explained the Council amended the plan for the Wastewater Reuse Project including the construction of the new treatment facility at the existing location and the reuse of the treated wastewater effluent north of the City by way of Type II irrigation rather than Type I which requires another addendum to the EIR. He said the addendum would also include information collected as part of the subsurface investigation report and anti-degradation analysis now underway.

Councilmember Thompson wanted assurance that we are not paying for services already provided; City Manager Stretch restated the reasons for the addendum stating we didn't have a choice in the matter. He said that timely preparation of the addendum to the EIR will keep the project plan moving forward as scheduled.

Motion was made by Dunker/Marks to approve the Scope of Services with Winzler & Kelly in the amount of \$33,082 to complete Addendum #2 to the EIR for the Rio Dell Wastewater Reuse Project; and direct the transfer of \$33,082 from the Wastewater Reserve Fund to the Wastewater budget to fund the Scope of Work, with said fund to be reimbursed by the planning loan. Motion carried 5-0.

Approve Scope of Work from Planwest Partners, Inc. to Prepare an Update for the Circulation Element of the Rio Dell General Plan; Authorize the City Manager to Execute the Agreement; Direct Funds Transfer from General Fund Reserves to Planning Budget; and Direct City Manager to Include the Update of Safety Element in the Proposed 2010-2011 Budget for Council Consideration

Interim City Manager Stretch stated this item is back before the Council as a result of the discussion that occurred at the February 16, 2010 meeting regarding the update of the Public Safety Element. He said with the City Council's focus on redevelopment and economic development the decision was made to defer update of the Public Safety Element and direct the Contract City Planner to prepare a Scope of Work for update of the Circulation element and bring back to the Council at this meeting for consideration. He said as mentioned at the last meeting, the Circulation Element was last updated in 1977 and Planner Williamson advised the Council that the completion of this element ties in more closely with the current goals of the City than the Public Safety Element.

Councilmember Marks asked if the Circulation Element would address the traffic patterns in the downtown area; Planner Williamson explained the Circulation Element would not only address traffic patterns for vehicle traffic but bicycle and pedestrian traffic, transit facilities, and street, road and pathway classifications to each street in Rio Dell using the City's parcel level and street DIS database.

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Motion was made by Dunker/Marks to approve the Scope of Work from Planwest Partners, Inc. to prepare an update for the Circulation Element of the Rio Dell General Plan; authorize the City Manager to execute an agreement with Planwest Partners, Inc. in the amount of \$26,142; direct that funds for the update be transferred from the General Fund Reserve s to the Planning budget in the amount of \$26,142; and direct the City Manager to include the update of the Public Safety Element of the General Plan (\$12,680) in the proposed 2010-2011 City Budget for Council's consideration. Motion carried 5-0.

Motion was made by Woodall/Dunker to add an unlisted item to the agenda titled *Approval of Resolution No. 1072-2010 Rural Community Assistance Corporation Authorization to borrow for the Planning Phase of the Sewer Facilities and Effluent Disposal Project*, pursuant to Government Code Section 54954.2 (b.2) because the need to take action arose subsequent to the agenda having been posted. Motion carried 5-0.

Approve Resolution No. 1072-2010 Rural Community Assistance Corporation Authorization to borrow for the Planning Phase of the Sewer Facilities and Effluent Disposal Project

Finance Director Beauchaine explained the City applied to the State Water Resources Control Board for ARRA funds to complete the Solids and Disinfection Management Project, as well as for a 0% interest loan for the planning stages of the Sewer Facilities and Effluent Disposal Project. The City was awarded a grant in the amount of \$2.25 million for the Solids and Disinfection Project however learned later that the State had eliminated the funding for planning activities under ARRA funding. She said after spending considerable time analyzing potential alternative funding sources, she recommended that the Council authorize the City Manager and Finance Director to secure funds from Rural Community Assistance Corporation (RCAC) as it seemed to be the best funding option available to the City.

Motion was made by Dunker/Marks to approve Resolution No. 1072-2010 Rural Community Assistance Corporation Authorization to borrow for the Planning Phase of the Sewer Facilities and Effluent Disposal Project. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

REPORTS/STAFF COMMUNICATIONS

Chief of Police Hill reported on recent activities in the police department and said David Lungi was sworn in as a police officer and would be starting the following day. He said there would be a more ceremonious event to take place at a later date.

Finance Director Beauchaine reported on recent activities in the finance department stating that she had been busy getting financing in place for Phase II of the Wastewater Project stating that

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the City's cash flow has been sufficient thus far to cover expenses for Phase I which has saved in interest expense; been actively preparing for the mid-year budget review; working on close -out of the 3 year CDBG Program, shifting to the 1 year HOME Program; and said the 2009-2010 audit was nearing completion.

Planner Williamson reported on recent planning activities and said he was continuing to make progress on the Food Collaborative Plan; completing the responses to the State Department of Housing and Community Development (HCD) on the Housing Element update; was working with Neal Carnam (Winzler & Kelly) on the application to LAFCo on the Town of Scotia annexation; and said he had met with Joe Enes and his surveyor to discuss the benefits of doing a phased subdivision with clustering of homes with his proposed subdivision on Pacific Ave.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Marks announced with sadness on the passing of Pete Silbernagel who was a resident and barber in Rio Dell for over 50 years along with the passing of his wife 9 days later.

Councilmember Dunker reported on his attendance at the League of California Cities Local Division meeting at the River Lodge and said the guest speaker was a professor from Humboldt State University who gave a presentation on tsunamis and how earthquakes impact small businesses. He said he invited him to speak at a Rio Dell-Scotia Chamber of Commerce meeting.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:10 P.M. to the March 16, 2010 regular meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk